

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David Theiler

Application No.: 10/689,610

Confirmation No.: 4815

Filed: October 22, 2003

Art Unit: 3623

For: METHOD AND APPARATUS FOR
MANAGING WORK FLOW

Examiner: J. G. Sterrett

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is filed pursuant to 37 C.F.R. § 41.41 and is responsive to the Examiner's Answer mailed April 15, 2008 in connection with the appeal from the final rejection of claims 1-20 and 22 in the above-identified U.S. patent application.

A. Total Number of Claims in Application

There are 21 claims pending in application. The application contains claims 1-20 and 22, which were finally rejected. This is an appeal from the final rejection of claims 1-20 and 22.

B. Current Status of Claims

1. Claims canceled: 21.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1-20 and 22.
4. Claims allowed: None.
5. Claims rejected: 1-20 and 22.

C. Claims On Appeal

The claims on appeal are claims 1-20 and 22.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-20 and 22 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,035,809 to Miller et al. (hereinafter "Miller") in view of User's Guide for Microsoft Project (hereinafter "MSProject").

III. ARGUMENT

Although the Examiner's Answer does not raise any new grounds for rejection, Appellant writes briefly here to respond to the Examiner's remarks regarding Appellant's arguments in the Appeal Brief. Appellant incorporates its comments from its Appeal Brief, dated January 23, 2008. Appellant provides the following comments in response to the Examiner's arguments on pages 11-17 of the Examiner's Answer.

Claim 1 recites a method for creating a workflow process management application, "wherein said workflow process management application, when executed by said computer, permits a user to: ... generate worker assignments ...; said workflow process management application using said report to automatically generate subsequent worker

assignments without further interaction with the user" (emphasis added). Claims 8, 12, and 22 recite similar limitations.

Although the Examiner's Answer alleges at page 12 that MSProject automatically generates subsequent worker assignments without further interaction with the user, Appellant disagrees. The Answer admits at page 12 that existing tasks are simply rescheduled. Appellant respectfully submits that rescheduling an existing task (i.e., pushing it back in time) is not generating a task, as claimed.

Furthermore, as discussed in Appellant's Appeal Brief at page 9, MSProject requires further interaction from the user. The Examiner's Answer alleges at page 16 that the claims "say[] nothing that they can't be checked or verified later." This is simply not true. Each of the independent claims 1, 8, 12, and 22 recites "automatically generat[ing] subsequent worker assignments without further interaction with the user." "[W]ithout further interaction" includes prohibiting later checking or verifying. Therefore, the Miller and MSProject combination fails to disclose, teach, or suggest the limitations of at least the independent claims.

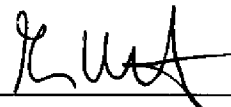
Accordingly, the rejection should be reversed and all of the claims allowed.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully submits that the claimed invention is not anticipated by the cited reference, and reversal of the final grounds of rejection is respectfully solicited.

Dated: June 12, 2008

Respectfully submitted,

By  _____

Thomas J. D'Amico

Registration No.: 28,371

Gianni Minutoli

Registration No.: 41,198

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant